

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ESTELA VALLE-CARDENAS, ET AL.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	Case No. 2:17-CV-00417-JRG-RSP
	§	
SAMUEL LEE THOMAS, JR., ET AL.,	§	
	§	
<i>Defendants.</i>	§	
	§	

REPORT & RECOMMENDATION

Plaintiffs Estela Valle-Cardenas and Teofila Liston filed their Complaint against Defendants Samuel Lee Thomas Jr. and LCA Trucking, LLC on May 11, 2017. A summons as to each defendant was issued on July 13, 2017. (Dkt. Nos. 4 and 4-1). Plaintiffs filed a notice of proof of service on August 8, 2017, indicating that service was executed upon Defendant Thomas on July 26, 2017. (Dkt. No. 5). However, Defendant Thomas has not answered or otherwise responded to Plaintiffs' Complaint. On August 6, 2019, the Court ordered Plaintiffs, within 15 days of that Order, to request entry of default judgment or to cause a responsive pleading to be filed by Defendant Thomas. (Dkt. No. 6). Plaintiffs failed to request entry of default judgment or to cause a responsive pleading to be filed, and have taken no action in this matter in two years. Further, a summons was never returned executed for Defendant LCA Trucking as required by Fed. R. Civ. P. 4(m). Plaintiffs' inaction prevents the proper disposition of this case.

Accordingly, the Court **RECOMMENDS** that this case be dismissed for failure to prosecute pursuant.

A party's failure to file written objections to the findings, conclusions, and

recommendations contained in this report within 14 days bars that party from de novo review by the District Judge of those findings, conclusions, and recommendations and, except on grounds of plain error, from appellate review of unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Fed. R. Civ. P. 72(b)(2); *see Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*). Any objection to this Report and Recommendation **must be filed** in ECF under the event “Objection to Report and Recommendations [cv, respoth]” or it may not be considered by the District Judge.

SIGNED this 10th day of September, 2019.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE